

REMARKS

Reconsideration of the application, as amended, is respectfully requested. In light of the amendments made above and the comments which follow, it is believed that all other issues are removed and that this application is in condition for passage to allowance.

Status of All of the Claims

Upon entry of this submission, the status of all of the claims in the application will be as follows:

1. Claims 2, 10, 11, 13, 14, 26-32, 38-40, 42 and 45-50 will be pending and under consideration.
2. Claims 3, 33-37 and 41 will have been withdrawn.
3. Claims 1, 4-9, 12, 15-25 and 43-44 will have been cancelled.

Support for Claim Amendments

Support for vessel wall-penetrating elements, and for such elements including hooks, can be found for example at paragraph [0034] of the published application (2007/0027518).

Support for barbs penetrating the flexible material can be found at paragraph [0033].

Support for the amendments to claim 26 are discussed herein below.

New claims 45-50 have been added. Support for their subject matter can be found in the latter half of paragraph [0034].

Election/Restrictions

The undersigned attorney is a little confused regarding the request to elect one of the subspecies from Figs. 1A, 1B or 1C.

In the Restriction Requirement mailed October 1, 2009, the subspecies at issue (1A-1C) appear to be listed under species a (Fig. 1). However, Applicant elected species b (Fig. 2). In light of the confusion surrounding this matter, the undersigned attorney requests that the examiner please call him at the telephone number below if the examiner determines that a further election still needs to be made.

Claim Rejections – 35 U.S.C. § 102

Claims 2, 10, 11, 13, 14, 26-32, 38-40, 42 and 44 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pavcnik et al. (2009/0157169).

Claim 26 has been amended to require that the one or more pieces of flexible material specified for percutaneous delivery include a first piece of flexible material having a first edge. The first piece of flexible material has, extending therefrom, an array of vessel wall-penetrating elements extending longitudinally proximate this first edge. The array has a width extending in a direction inward of the first edge and has vessel wall-penetrating elements occurring generally laterally with respect to one another in the direction of the width. The specified percutaneously attaching step includes driving vessel wall-penetrating elements of the array into a wall of the vascular vessel so as to secure a corresponding band of the first piece of flexible material to the vascular vessel wall. Support for the amendments can be found in paragraphs [0034] and [0056] of the published application (2007/0027518).

Pavcnik clearly does not teach or suggest this subject matter, and therefore does not anticipate or render obvious any of claims 2, 10, 11, 13, 14, 26-32, 38-40, 42 or 45-50. Withdrawal of all rejections is therefore solicited.

Conclusion

For at least the reasons discussed herein, it is believed that all rejections in the application have been overcome. Reconsideration and allowance of the application are thus solicited.

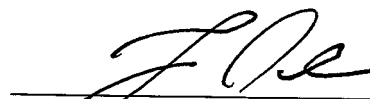
This response including claim amendments has been submitted in order to expedite the prosecution of this application, and is made without prejudice or admission in respect of the previously claimed subject matter or any of the remarks in the current Office Action Summary.

Request for Interview

The Applicant requests an opportunity for an interview of the Examiner if the Examiner believes that any objection or rejection could be maintained against the application as amended. The Examiner is requested to contact the undersigned attorney to arrange any such interview necessary.

Respectfully submitted,

By



Timothy B. Paul, Reg. No. 51203
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
Telephone: (317) 634-3456 Fax: (317) 737-7561
Email: tpaul@uspatent.com